

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DARREN GILBERT,
Plaintiff,
v.
OAKDALE SHOPPING CENTER L.L.C., et al.,
Defendants.

Case No.: 1:22-cv-01305-ADA-BAM
NOTICE OF IMPENDING TRANSFER OF CASE
ORDER ADVISING PARTIES OF AMENDMENT
TO LOCAL RULE 120 AND THAT IF PARTIES
WISH TO HAVE CASE STAY WITHIN THE
CURRENT FRESNO DIVISION, THEY MAY
CONSENT TO MAGISTRATE JUDGE
JURISDICTION

FOURTEEN DAY DEADLINE

Effective August 7, 2023, Local Rule 120, of the Local Rules of the United States District Court, Eastern District of California, was amended. See General Order No. 666. Prior to amendment, Local Rule 120(d) provided that “[a]ll civil and criminal actions and proceedings of every nature and kind . . . arising in,” among other counties, the counties of Calaveras, and Stanislaus, “shall be commenced in the United States District Court sitting in Fresno, California, and in Bakersfield, California, Yosemite National Park[,] or other designated places.” As now amended, Local Rule 120(d) provides that actions arising in the counties of Calaveras or Stanislaus shall now “be commenced in the United States Court sitting [in] Sacramento, California, and in Redding, California, or other designated places within those counties.”

This is an action or proceeding which arises in either the county of Calaveras or Stanislaus. In light of the amended Local Rule 120(d), the parties are advised that this case will be transferred from the District Court in the Fresno Division to the District Court in the Sacramento Division for all purposes including for trial. Before the case is transferred, the parties are advised that if they wish to keep this case in the Fresno Division, they may consent to Magistrate Judge jurisdiction, and if all parties consent, this case will remain in the Fresno Division and will be assigned to the current Magistrate Judge for all purposes. If all parties do not consent to Magistrate Judge jurisdiction, this case will be transferred out of the Fresno Division and to the Sacramento Division, and a new District Judge and Magistrate Judge will be assigned.

To consent or decline to magistrate judge jurisdiction, a party may sign and file the consent form available on the Court's website.¹ Parties may consent, decline or withhold consent without any adverse consequences, and the assigned Magistrate Judge will not be informed of the individual party's decision regarding consent.

Accordingly, within 14 days of the date of service of this order, the parties may file consent to the Magistrate Judge jurisdiction. If all parties consent, this action will remain in the Fresno Division, otherwise, the case will be transferred to the Sacramento Division and a new District Judge and Magistrate Judge will be assigned.

IT IS SO ORDERED.

Dated: August 18, 2023

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE

¹ The consent form is available at: <http://www.caed.uscourts.gov/caednew/index.cfm/forms/civil/>.